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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,217	04/16/1999	JOSEPH C. LIBERTI	APP1108-US	4575

7590

06/19/2003

JOSEPH GIORDANO  
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EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/293,217

Applicant(s)

LIBERTI ET AL.

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-6 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) 1,2 and 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6 and 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

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**Commissioner for Patents**

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 3-6 and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold et al. (U S Patent Number 5,905,719).

**Regarding claims 3-6**, Arnold et al. discloses all of the claimed invention as set forth in the instant application, additionally Arnold et al. discloses a method and system for wireless internet access, further Arnold et al. discloses a transmitting frames of data over a wireless access system each frame having a plurality of data slots (figure 4), comprising the steps of identifying the types of traffic being transmitted between a first communication device and a second communication device (which reads on column 1 lines 34-44); reserving at least one data slot in a frame for each type of traffic being transmitted between the first communication device

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and the second communication device and including a control time slot in the frame that identifies the first communication device the second communication device (which reads on column 6 lines 50-67), and the traffic type of each data slot in the frame (which reads on column 4 lines 40-56).

***Regarding claims 12-16,*** Arnold et al. discloses everything claimed, as applied above (see claim 3) Arnold et al. discloses a transmitting frames of data over a wireless access system each frame having a plurality of data slots (figure 4), means of identifying the types of traffic being transmitted between a first communication device and a second communication device (which reads on column 1 lines 34-44); means of reserving at least one data slot in a frame for each type of traffic being transmitted between the first communication device and the second communication device and means of including a control time slot in the frame that identifies the first communication device the second communication device (which reads on column 6 lines 50-67), and the traffic type of each data slot in the frame (which reads on column 4 lines 40-56).

***Regarding claim 17,*** Arnold et al. discloses all of the claimed invention as set forth in the instant application, additionally Arnold et al. discloses a method and system for wireless internet access, further Arnold et al. discloses a transmitting frames of data over a wireless access system each frame having a plurality of data slots (figure 4), comprising the steps of identifying the types of traffic being transmitted between a first communication device and a second communication device (which reads on column 1 lines 34-44); reserving at least one data slot in a frame for each type of traffic being transmitted between the first communication device and the second communication device and including a control time slot in the frame that identifies the first communication device the second communication device (which reads on

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column 6 lines 50-67), and the traffic type of each data slot in the frame (which reads on column 4 lines 40-56).

***Citation of Pertinent Prior Art***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Xu et al.*** (U. S. Patent Number 6,501,732) discloses system and method for controlling data flow in a wireless network connection;

***Forrest*** (U. S. Patent Number 6,084,875) discloses routing of internet traffic and related internet service provider services;

***Forslow*** (U. S. Patent Publication Number 2003/0039237) discloses common access between a mobile communications network and an external network with selectable packet switched and circuit switched service;

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***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9700.

S. Smith 

June 16, 2003

  
ERIKA GALT  
PATENT EXAMINER